

REMARKS

In response to the Restriction Requirement under 35 U.S.C. §121, dated September 28, 2006, Applicants elects, with traverse, Group I, Claims 1-14. Further, Applicants elect, with traverse, as species (a), SEQ ID NO:9 and species (b), SEQ ID NO:27. Species (a) reads on Claims 1-7, 12, and 13. Species (b) reads on Claims 8-11 and 14.

Moreover, Applicants request that, as there has been a restriction requirement between a product and a process of using the product, the Examiner acknowledges that if a product claim is found allowable, process claims that depend from or otherwise require all the limitations of the patentable product may be rejoined (see, M.P.E.P. §806.05(h)).

Traversal

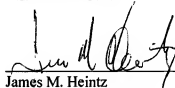
Regarding species (b), traversal is on the grounds that the species offered is in fact a member of a primer pair. As the primer is used in a primer pair for PCR, Applicants would suggest that a primer pair species be offered for election rather than just a single primer, since the primers are taught in specification to be used in pairs to perform PCR amplification (see, e.g., Table 2, col. 5 and 6). Accordingly, Applicants respectfully request that species (b) be expanded to include the primer pair as set forth in SEQ ID NO:26 and SEQ ID NO:27.

CONCLUSION

In light of the above, Applicants submit that this application is now in condition for allowance and therefore request favorable consideration. If any issues remain which the Examiner feels may be best resolved through a personal or telephonic interview, the Examiner is respectfully requested to contact Applicants counsel, James M. Heintz, Esq. at 202.861.4167.

Respectfully submitted,

DLA PIPER US LLP

A handwritten signature in black ink, appearing to read 'James M. Heintz', is written over a horizontal line.

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